

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE:

CASE NO.: 08-09448-8-JRL

DONATI ENTERPRISES, INC.

CHAPTER 7

DEBTOR

**AMENDMENT TO NOTICE OF PROPOSED PUBLIC SALE OF PERSONAL PROPERTY
AND NOTICE OF COMPENSATION TO AUCTIONEER**

TO: ALL CREDITORS, INDENTURE TRUSTEES AND OTHER PARTIES IN INTEREST

1. On April 7, 2009 the Trustee filed a Motion for Public Sale of Personal Property Free (docket #17) and a Notice of Proposed Public Sale of Personal Property and Notice of Compensation to Auctioneer (docket #18) in accordance with Bankruptcy Rules 2002(a), 6004 and 6007 and 11 U.S.C. §363. The property to be sold is an enclosed, 2002 Haulmark Trailer, being among the assets of debtor, Donati Enterprises, Inc.

2. This Amendment to the Notice of Proposed Public Sale of Personal Property and Notice of Compensation to Auctioneer is being filed to modify the location the sale will take place. The sale will not take place at 1211 West 5th Street, Washington, North Carolina but instead will take place as follows:

May 15, 2009 at 10:00 a.m. or shortly thereafter at Sale Yard 2, located off of Highway 264, 5 miles west of Washington, NC.

3. Except for updating the location of the proposed auction, there are no other changes to the Notice of Proposed Public Sale of Personal Property and Notice of Compensation to Auctioneer that was filed at docket #17.

FURTHER NOTICE IS HEREBY GIVEN that this sale may be allowed to proceed provided no response and request for a hearing is made by the Debtor, Trustee or other parties in interest in writing to the Clerk of this Court within **TWENTY (20) DAYS** from the date of this notice; and

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for hearing is filed by the Debtor, Trustee, or other parties in interest named herein in writing within the time indicated, a hearing will be conducted on the Motion and response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and response thereto ex parte without further Notice.

DATE OF NOTICE: April 9, 2009

s/Eileen M. Bornstein

Eileen M. Bornstein
State Bar No. 28436
Attorney for Trustee

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Rocky Mount, NC 27804-0100
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Email: ebornstein@bws.com

CERTIFICATE OF SERVICE

I, Eileen M. Bornstein, Attorney for Trustee in this action, hereby certify that on the 9th day of April, 2009, I served the documents to which this certificate is attached:

Amendment to Notice of Proposed Public Sale of Personal Property and Notice of Compensation to Auctioneer

by depositing a copy thereof postpaid in a post office or official depository under the exclusive care and custody of the United States Postal Service, in a wrapper, addressed to each of the following parties of interest in this action at the following last known addresses:

Ms. Marjorie K. Lynch Bankruptcy Administrator Eastern District of North Carolina P.O. Box 3758 Wilson, NC 27895-3758	Internal Revenue Service Attn: Special Procedures Staff 320 Federal Place Greensboro, NC 27402
Office of the Attorney General Department of Justice 10th St. & Constitution Ave. Washington, DC 20530	North Carolina Dept of Revenue Attn: Managing Agent and/or David Lennon Office Services Division Bankruptcy Unit P.O. Box 1168 Raleigh, NC 27602-1168
North Carolina Dept of Revenue c/o N.C. Dept of Justice P.O. Box 629 Raleigh, NC 27602-0629	United States Attorney - EDNC Attn: Neil Fowler 310 New Bern Avenue Suite 800, Federal Building Raleigh, NC 27601-1461
Office of Attorney General Crime Control & Motor Vehicles Section Attn: Christopher W. Brooks P.O. Box 629 Raleigh, NC 27602-0629	N.C. Department of Motor Vehicles Attn: Carol Ann Smith, Assistant Manager Title & License Unit Driver & Vehicle Services Section 3157 Mail Service Center Raleigh, North Carolina 27699-3157
Wake County Department of Revenue Attn: Manager/Agent One Bank of America Plaza 421 Fayetteville Street, Suite 200 Raleigh, NC 27601	Gary Montagna and Sandra Montagna 231 SW Fernleaf Trail Port Saint Lucie, FL 34953-8217
E.Crouse Gray, Jr. Gray & Lloyd, L.L.P. 3120 N. Croatan Highway, Suite 101 Kill Devil Hills, NC 27948 <i>Attorney for Montagnas</i>	Clayton W. Cheek Hornthal, Riley, Ellis & Maland, LLP P. O. Box 220 Elizabeth City, NC 27907-0220 <i>Attorney for Debtor</i>

Donati Enterprises, Inc. (Debtor) 101 Shores Avenue Point Harbor, NC 27964	SEE ATTACHED MAILING MATRIX
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s/ Eileen M. Bornstein

Eileen M. Bornstein

Post Office Box 7100

Rocky Mount, NC 27804-0100

Telephone: (252) 937-2200